

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 30, 2006
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 16, 2006

MOTION: Stevens moved and Workman seconded approval of the Staff Meeting minutes of March 23, 2006. Hudkins, Stevens, Workman and Schorr voted aye. Heier abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A).

Dean Settle, Community Mental Health Center Director, appeared and relayed his concerns regarding LB 1199 (Change provisions relating to sexual assault of a child, sex offenders, and rename the Nebraska Mental Health Commitment Act). He said he wants to make certain that the appropriation is new dollars and does not invade the behavioral health funding and that a portion of the appropriation be used to offset behavioral health dollars that are being expended on behalf of sex offenders within the current behavioral health system.

Kissel said Senator Bourne has stated that the intent is to make sure that the two programs are parallel, but don't interrelate in terms of funding.

Settle said it appears that the funds are earmarked for the Regional Centers.

Kissel said the intent is to provide funding for community-based programs as well.

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, added that there will be additional money for community-based correction programs.

Settle stressed the need for a monitoring committee and county and behavioral health representation.

Heier asked whether the legislation is applicable to those previously convicted.

Kissel said he will check.

Hudkins expressed concern that the amendments to LB 1060 (Provide for deficit appropriations and transfers of funds) will string out the claims.

Prenda said the Nebraska Association of County Officials (NACO) is okay with the language.

4 BOARD OF EQUALIZATION VALUATION PROTEST PROCESS - Trish Owen, Chief Deputy County Clerk

Trish Owen, Chief Deputy County Clerk, requested permission to:

- ▶ Formally approach Great Plains Appraisal about providing coordinator and referee contractual services for 2006
- ▶ Hire three to four temporary data entry employees, dependent on volume of protests filed
- ▶ Purchase an additional ten (10) tape recorders for the referee hearings (approximate cost of \$300)

- ▶ Have the County Attorney's Office draft a County Board's "Resolution of Intent" to extend the protest process from July 25th to August 10th

MOTION: Stevens moved and Heier seconded to authorize Trish Owen, Chief Deputy County Clerk, to proceed as outlined. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

5 USE OF YOUTH ASSESSMENT CENTER BY PROBATION FOR DRUG AND ALCOHOL TESTING - Michelle Schindler, Youth Services Center Director; Lori Griggs, Juvenile Probation Administrator; Kristy Mundt, Deputy County Attorney

Lori Griggs, Juvenile Probation Administrator, presented a proposal to allow Juvenile Probation use the Youth Assessment Center as a weekend alcohol/drug testing site on a trial basis (Exhibit B).

Kristy Mundt, Deputy County Attorney, stressed the need for a contract, if the Board decides to proceed with the program, setting forth the liability and responsibilities of the parties. She said the County would be leasing the space to Probation at no cost in consideration of services provided to the County.

MOTION: Stevens moved and Workman seconded to authorize Michelle Schindler, Youth Services Center Director; Lori Griggs, Juvenile Probation Administrator; and Kristy Mundt, Deputy County Attorney, to prepare a contract for Juvenile Probation to use the Youth Assessment Center as a alcohol/drug testing site, with the terms that were outlined. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

6 IMPROVEMENTS TO ARBOR ROAD EAST OF NORTH 70TH STREET - Dr. David Samani

The Board reviewed a cost estimate from the County Engineer for improvements to Arbor Road east of North 70th Street to provide access to a proposed motocross track at the Abbott Sports Complex (\$217,000) (see agenda packet).

Dr. David Samani said funding for the motocross track has been approved and said the road improvements are needed for north access to the area.

Heier said the Board should ask the City to share in the cost.

Kerry Eagan, Chief Administrative Officer, said there may be flexibility to budget the cost over several budget years. He suggested the Keno Fund as a possible funding source.

Schorr asked whether proceeds from the Lodging Tax could be used.

Eagan said probably not for the road, but possibly for the track, facility or grandstands.

Stevens said he would like to see the City and adjoining landowners share in the cost.

MOTION: Workman moved and Hudkins seconded to: 1) Proceed with the improvement of Arbor Road east of North 70th Street, in the amount of \$217,000, with the funds taken from the Keno Fund over a two year period and with the intent to pave the road as soon as possible; and 2) Ask the City of Lincoln to provide 50% of funding for the project.

Stevens said he wants to know the status of the Keno Fund and to ask the City to share in the cost before committing funds to the project.

ROLL CALL: Workman, Heier, Hudkins and Schorr voted aye. Stevens voted no. Motion carried.

Schorr asked that discussion of the motocross project be scheduled for the Visitors Promotion Committee (VPC).

7 POTENTIAL AND PENDING LITIGATION - Wally Becker, Attorney at Law; Tom Fox, Deputy County Attorney

MOTION: Stevens moved and Hudkins seconded to enter Executive Session at 10:01 a.m. for discussion of potential and pending litigation. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:48 a.m. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

8 A) COUNTY SPECIAL PERMIT NO. 06007, SOIL EXTRACTION AT NORTH 56TH STREET/HIGHWAY 77 AND RAYMOND ROAD; AND B) COUNTY SPECIAL PERMIT FOR GARBAGE/REFUSE HAULING - Mike DeKalb, Planning Department

A) County Special Permit No. 06007

Mike DeKalb, Planning Department, gave an overview of County Special Permit No. 06007, a request for authority to do mining for a soil, sand and gravel excavation operation for a period of three (3) years, pursuant to Article 13.001 (14) of the Lancaster County Zoning Resolution, on property at North 56th Street/Highway 77 and Raymond Road (14605 North 56th Street) (Exhibit C). He noted that two letters of opposition were received expressing concerns regarding access and road maintenance; silt damage to a neighboring property; and the old machinery parts and 55 gallon drums which are on the subject property. Planning staff and the Planning Commission have recommended conditional approval.

B) County Special Permit for Garbage/Refuse Hauling

DeKalb presented the following in response to a request from Commissioner Hudkins (Exhibits D & E): 1) Page F16 of the Lincoln City - Lancaster County Comprehensive Plan; Future Conditions - Community Form; Economic Opportunity Section which addresses allowing commercial use in rural areas; and 2) Pages 26 and 27 of the Seward County Zoning Ordinances which show permitted conditional uses in the Agricultural (AG) District.

The Board requested updated zoning jurisdiction maps.

9 SHERIFF CAPTAIN BENEFITS - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Tom Fox, Deputy County Attorney; Don Taute, Personnel Director

Tom Fox, Deputy County Attorney, said a new Post Employment Health Plan (PEHP) will need to be created for Sheriff Captains in order to provide them the same retirement incentive provided to Deputies. The Captains will receive a different percentage of their sick leave put into PEHP than other unclassified employees and a different compensation put into PEHP every month. The Captains will no longer have a cap on their sick leave amounts (under the retirement incentive, 100% of unused sick leave hours are paid into PEHP).

Other benefits that will mirror those of the Deputies are: vacation leave, holidays, funeral leave, injury leave, jury duty, military leave, special leave, uniform and equipment allowance, longevity pay, and life insurance.

Fox noted that there is also a difference in the percentage that is paid for single coverage under the health insurance plan and said Milliman USA (Insurance Consultant) has indicated that it would be inappropriate to open the health insurance contract mid-year.

The Board asked that Fox try to get Blue Cross/Blue Shield to amend the plan, and if it is not willing to do so, ask the Captains to sign an agreement that they will agree to the change at the end of the plan year.

10 ACTION ITEMS

A. Keno License Renewal Application

MOTION: Stevens moved and Heier seconded approval. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

B. Authorization to Submit Grant to Time Warner Cable Regarding Youth Services Center Horticultural Program (Exhibit F)

Stevens questioned whether the Youth Services Center qualifies, noting that the instructions require a copy of a letter from the Internal Revenue Service (IRS) verifying the organization's tax exempt status under Section 501 (c)(3) of the IRS Code.

MOTION: Stevens moved and Workman seconded to authorize the grant application to be submitted, with signature by the Chair. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

C. Application to Magellan Health Services, Inc. for Recredentialing of Community Mental Health Center (Exhibit G)

MOTION: Heier moved and Workman seconded approval, with signature by the Chair. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

D. Request from CenterPointe for Letter of Support for Substance Abuse and Mental Health Services Administration (SAMHSA) Grant Application (Treating the Homeless) (Exhibit H)

MOTION: Stevens moved and Hudkins seconded to authorize the Chair to sign the letter of support. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

E. Request from Public Defender for Color Printer (Exhibit I)

MOTION: Hudkins moved and Workman seconded approval of the request with funding through the Microcomputer Fund. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

A. New PC for Commissioner Workman

Item held.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster Manor Advisory Committee - Heier

Heier said Lancaster Manor passed its annual license review with no violations. He said Larry Van Hunnik, Lancaster Manor Administrator, sent a letter to the Nebraska Department of Health and Human Services (HHS), at his request, asking when the County will receive the Intergovernmental Transfer Funds.

B. Lincoln Independent Business Association (LIBA) Monthly Meeting - Stevens, Schorr

Stevens said levy limits and use of levies were discussed. He also reported that the LIBA Budget Monitoring Committee voted to oppose the bond issue to fund a linear park along the South Beltway.

The Board requested a briefing from Terry Genrich, Parks & Recreation Natural Resources Manager, on the potential impact to the County.

C. Downtown Lincoln Association (DLA) - Stevens

Stevens said DLA will oppose the eminent domain bills that are before the Nebraska Legislature.

D. Youth Services Center - Heier

Heier said discussion focused on the budget. He said an increase of \$167,000 is projected and said \$80,000 of that amount is attributed to the Lincoln Electric System (LES) increase.

13 ADJOURNMENT

MOTION: Heier moved and Workman seconded to adjourn the meeting at 11:28 a.m. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk